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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,311

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Tomio Yamamoto

YAO-4367US

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RATNERPRESTIA

P.O. BOX 980

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EXAMINER

BLOUIN, MARK S

ART UNIT

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2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,311	<b>Applicant(s)</b> YAMAMOTO ET AL.	
	<b>Examiner</b> MARK BLOUIN	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/1/05</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **Detailed Action**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama (US 5,166,922).

3. Regarding Claim 1, Akiyama shows (Figs.1-57) a disc cartridge (C), comprising a cartridge body including a disc housing section for housing a disc as to be rotatable, which is provided with an opening (9) for exposing a part of the disc, a shutter member (10) which is movable to open or close the opening a shutter driving spring (23) for applying a force to the shutter member not to open the opening:, and a locking portion (Fig. 22) for locking the shutter member.

4. Regarding Claim 2, Akiyama shows (Figs.1-57) a disk cartridge wherein the locking portion is locked using the shutter driving spring (Col 9, lines 54-68).

5. Regarding Claim 3, Akiyama shows (Figs.1-57) a disc cartridge, wherein the cartridge body includes a first case (6) and a second case (7), and the first case and the second case are integrally combined to form a disc housing section.

6. Regarding Claim 4, Akiyama shows (Figs.1-57) a disc cartridge, wherein the cartridge body is provided with positioning holes (46,47) for defining the position of the disc

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cartridge with respect to a disc drive apparatus for driving the disc when the disc cartridge is mounted to the disc driving apparatus.

7. Regarding Claim 5, Akiyama shows (Figs.1-57) a disc cartridge, wherein the cartridge body includes a first case and a second case: the first case (6) and the second case (7) are integrally combined to form a disc housing section and the positioning holes (46,47) are provided so as not to penetrate the first case and the second case.

8. Regarding Claim 6, Akiyama shows (Figs.1-57) a disc cartridge, wherein the shutter member (10) includes a spring engagement portion (Fig. 7 – 25) to be engaged with the shutter driving spring (23), and the shutter member and the shutter driving spring slide in the spring engagement portion at a essentially right angle with respect to a direction of a movement of the shutter member in a closing state in which the shutter member closes the opening.

9. Regarding Claim 7, Akiyama shows (Figs.1-57) a disc cartridge, wherein the cartridge body (C) is provided with a lock recessed portion (Fig. 22) to which the shutter driving spring (23) is engaged at a substantially right angle with respect to a direction of the movement of the shutter member in a closing state in which the shutter member closes the opening.

10. Regarding Claim 8, Akiyama shows (Figs.1-57) a disc cartridge, wherein: a recessed shape guide groove portion (20) which is opened to the outside of the cartridge body is provided on a side surface of the cartridge body to be engaged with the shutter member; and one end of the shutter driving spring moves along the guide groove portion.

11. Regarding Claim 9, Akiyama shows (Figs.1-57) a disc cartridge, wherein an inclined surface for movement of the one end of the shutter driving spring to lock the recessed portion is

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provided on a surface of the spring engagement section (25) to abut the one end of the shutter driving spring.

12. Regarding Claim 10, Akiyama shows (Figs.1-57) a disc cartridge, wherein the first case (6) is provided with an upper engagement groove (20) for guiding the movement of the shutter member and holding the shutter member; and the second case is provided with a lower engagement groove (20) for guiding the movement of the shutter member and holding the shutter member.

13. Regarding Claim 11, Akiyama shows (Figs.1-57) a disc cartridge, wherein the shutter member is provided with an upper engagement protruded portion (21) to be engaged with the upper engagement groove, and a lower engagement protruded portion to be engaged with the lower engagement groove.

14. Regarding Claim 12, Akiyama shows (Figs.1-57) a disc cartridge, wherein the lower engagement groove (20) is provided so as to be spaced apart from the opening by a predetermined distance.

15. Regarding Claim 13, Akiyama shows (Figs.1-57) a disc cartridge, wherein a bridging portion (14) for bridging an outer peripheral portion of the opening is provided in the second case, the bridging portion has a lower surface substantially coplanar to a surface of the disc when a disc drive apparatus for driving the disc drives the disc and an upper surface which is a surface coplanar to a surface of the opening close to an edge of the cartridge body and is extended in a direction of closing the shutter member; a side surface of the first case is provided with a notch and the notch of the first case and the upper surface of the bridging portion form a groove.

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16. Regarding Claim 14, Akiyama shows (Figs.1-57) a disc cartridge, wherein the second case (7) is provided with an opening range restriction portion (Figures 1 and 2 show the range which the shutter member is restricted – indentation in the upper and lower case) for restricting an opening area of the shutter member, a major surface of the second case to be mounted on a disc drive apparatus for driving the disc is provided with planar holding portions recessed from the major surface in vicinity of corners to which the shutter member is engaged which opposes the open area restriction portion via the opening.

17. Regarding Claim 15, Akiyama shows (Figs.1-57) a disc cartridge, further comprising a lock release portion (19,60) for releasing the lock of the locking member (Col 10, lines 51-60).

18. Regarding Claim 16, Akiyama shows (Figs.1-57) a disc cartridge, wherein the lock release portion (19,60) is in contact with the shutter driving spring (23).

19. Regarding Claim 17, Akiyama shows (Figs.1-57) a disc cartridge, wherein the lock release portion (19,60) comprises a pressed portion to be pressed by a disc drive apparatus for driving the disc, and the lock release portion is provided so as to be movable in a direction that the shutter, member opens or closes the opening.

20. Regarding Claim 18, Akiyama shows (Figs.1-57) a disc cartridge, wherein the lock release portion (19,60) enters a lock released state by pressing the pressed portion with the shutter member closed and locked, and then moves with the shutter member to the opening position integrally with the shutter member (Col 10, lines 51-60).

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***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joe Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Blouin/

Primary Examiner of Art Unit 2627

Mark Blouin  
Patent Examiner  
Art Unit 2627  
March 25, 2009